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contents/sommaire

1 *Canadian Journal of Criminology and Criminal Justice: Marking 50 years of scholarly publishing*
Julian V. Roberts

3 *Looking Back on Time*
Irving Kulik

8 *Letter to the Honourable Stockwell Day*

10 *The Cost of Abolishing Statutory Release (Projected)*

11 *Plus ça Change...*
Irving Kulik

17 *Lettre à l'honorable Stockwell Day*

19 *Combien coûterait l'abolition de la libération d'office (prévisions)*

21 *Quarter Century Club / Club Quart de Siècle*

22 *Letter from the Policy Review Committee*

24 *News From Affiliates*
Catherine Williams
Bob Gillen

33 *Coming Events / Prochains Evénements*

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JUSTICE REPORT carries information of value to Association readers and the public interested in matters related to the administration of justice in Canada. Opinions expressed in this publication do not necessarily reflect the Association's views, but are included to encourage thought and action on the criminal justice system throughout Canada. For more information on the activities of the CCJA, please contact:

ACTUALITÉS-JUSTICE renferme des renseignements utiles aux lecteurs de l'Association et au public qu'intéressent les questions relatives à l'administration de la justice au Canada. Les opinions qui sont exprimées ne reflètent pas nécessairement les vues de l'Association, mais y figurent afin d'encourager à réfléchir et à agir sur la justice pénale dans tout le Canada. Pour obtenir de plus amples renseignements sur les activités de l'Association, veuillez communiquer avec:

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Canadian Journal of Criminology and Criminal Justice: Marking 50 years of scholarly publishing

By Julian V. Roberts,

University of Oxford

This year marks the 50th anniversary of the Canadian Journal of Criminology and Criminal Justice. The journal has published continuously over this period, a remarkable achievement in scholarly publication and one of which everyone associated with the journal should be proud. Very few journals in the field of criminology can claim such a record. The first issue of the Canadian journal was published in October, 1958. It contained a brief editorial, seven short commentaries, letters to the editor and two book reviews. Even a cursory glance at this issue reveals how far the field has evolved over the past 50 years. Indeed, the first article was little more than a brief appeal for greater recognition of the problem of alcoholism, with no reference to crime or criminal justice (Mann, 1958). Since those early days the journal has developed into a source of high-quality peer review research.

The early issues of the journal placed great emphasis on the correctional system, as reflected in the title The Canadian Journal of Corrections. The title later changed to the Canadian Journal of Criminology and Corrections (in 1971). The title changed again in 1978, dropping the reference to corrections, and the current title was adopted in 2003, to reflect the dual focus on criminology and criminal justice (see Roberts, 1993, for further information about the historical evolution of the journal).

Scholarly publications in Canada

Canada is not blessed with a surfeit of scholarly publications in the field of criminal justice. Indeed, we have fewer journals than many other western jurisdictions. Britain, for example has many criminology/ criminal justice journals, including: The British Journal of Criminology, The Howard Journal of Criminal Justice, Criminal Justice, and Criminal Justice Matters, to name just a few. In addition, there is a longstanding tradition for some of the legal periodicals in the United Kingdom (such as the Criminal Law Review) to publish empirical research into the functioning of the criminal justice system. (One of the first social science articles in criminal justice was published in the Criminal Law Review in 1961). Empirical research is less commonly published in Canadian legal journals. All this means that CJCCJ has played a vital role in the evolution of criminological research in

Canada. The CJCCJ is also the only criminal justice/criminology journal that has a mandate to publish research from all provinces and territories across Canada. Criminologie has made a very important contribution to criminological research in the province of Quebec, but does not often publish research drawn from across the country.

Beyond Canada's shores, the CJCCJ has long been considered one of the leading criminology journals in the world. Two supportive examples may be given for this assertion. First, the journal was one of only four international journals used to measure scholarly influence in the recent research reported by Cohn and Farrington (2007; the other journals were the Australia and New Zealand Journal of Criminology, the British Journal of Criminology and Criminology). Second, the CJCCJ ranks high in the systematic ranking of academic journals produced by Thomson Scientific in its annual Journal Citation Reports (JCR). Only the leading 10% of academic journals are covered by the JCR.

The Future of the Journal

How can the CJCCJ make a greater contribution to the field of criminology and criminal justice in Canada? In light of my earlier comments, the following steps need to be considered. First, the journal should expand the number of regular issues published each year from four to six. A country with a population of approximately 35 million people and with many criminology programs and scholars, needs to have a national publication that can publish more than 12-14 articles a year, the current number. Many other periodicals have moved to six issues a year, and some publish once a month. There is certainly no shortage of articles to publish. Second, it should publish an annual special issue on a topic of importance to the criminal justice system. There has long been a tradition of publishing such issues, but they usually depend upon the special editors securing funding and this is not always easy to obtain. There is also the apprehension that a funding source may exercise some influence over the content of the special issue.

Of course these two steps cannot take place without additional funding. Individual subscribers cannot be expected to absorb a drastic increase in subscription fees. Commercial advertising is one possible avenue of additional funding, but a more appropriate source of income would be the federal government, through some sustaining grant in aid program. Veteran criminologists in Canada will recall that the federal government used to fund the academic Centres of Criminology with an annual sustaining grant. This program was stopped many years ago, but a wise investment would involve a sustaining grant program for scholarly publications. Scholarly journals such as CJCCJ, Criminologie (and others) could then apply for multi-year funding with the journals and the supporting grant program would be periodically subject to peer review. Alternatively, the federal government could fund an annual special issue, on a topic of current importance for the criminal justice system in Canada. This would obviate the annual search for funding for special issues, and would be of benefit to the government which could generate publications on policy-relevant subjects. At present, the contents of regular issues is essentially author-driven; the journal can publish only what is sent in for review. It might make more sense to have a fifth or sixth issue devoted to emerging topics or debates which could be identified in advance. I fear that in the present criminal justice climate, proposals involving expanded government funding of academic research are unlikely to be adopted, however.

The journal could also get stronger by attracting more scholarship from some of Canada's senior academics. There is regrettably a tendency among all academics to consider the rank of the journal before making a submission. In terms of image, a national journal such as CJCCJ suffers by comparison with a journal which does not have a nation in the title, particularly if it is called the "International" journal of this or that. In my tenure as editor I faced a constant challenge of trying to get some of Canada's most eminent scholars to submit articles to the journal.

Joint Publications

Another interesting possibility would be to publish a special issue in conjunction with a legal periodical. For all the talk of socio-legal scholarship and multidisciplinary research these days, the fields of social science and law remain relatively independent of one another in Canada. Students study law or criminology, not both subjects. This is curious and regrettable; social scientists would benefit from more exposure to the

law and lawyers should know more about the empirical research into the functioning of the system. In the US joint law-social degrees are relatively common. In Britain, most law degrees include a component in which law students study penology; for example at Oxford undergraduate law students may take a year long course in criminal justice and penology. A scholarly journal can do much to promote greater links between social science and the law by a joint publication. For example, the CJCC could consider co-publishing special issue with a law journal such as the Criminal Law Quarterly or the Canadian Criminal Law Review. The issue would contain articles about the law as well as the social science research exploring the topic. Both parties would benefit.

Finally, it is important to acknowledge the contribution of the Canadian Criminal Justice Association. Without the continuous support of the CCJA, the journal may well have failed, particularly in its early years. Indeed, without the Association, it never would have come into being.

References

Mann, M. (1958) Alcoholism, 1958. Where do we go from here? Canadian Journal of Corrections, 1: 3-7.

Roberts, J.V. (1993) The Canadian Journal of Criminology: 35 years of scholarship.

Canadian Journal of Criminology, 35: 113-126.

Looking Back on Time

By Irving Kulik

Executive Director

In 2008 and 2009, CCJA will be marking some very special dates. In October of this year we will be celebrating the 50th anniversary of our Canadian Journal of Criminology and Criminal Justice. In 2009 we will be celebrating the 90th birthday of the Canadian Association of Criminal Justice.

It would be appropriate to look back upon the many contributions of the Association and the Journal. Clearly though, it is not possible to do so in this one issue of the Justice Report. Instead I decided to concentrate on one area that is very much of contemporary interest and review what has been said on the subject over the course of many years, through our various policy papers. In subsequent issues of this publication we will look back at items that have received extensive coverage in the Journal.

The parole system in Canada has been the subject of much discussion prior to and since the passing of the Parole Act almost 50 years ago. The subject of parole is always of interest to citizens and elected officials. It is thus no accident that it has also been of continuing interest at CCJA.

On January 26, 1973, CCJA presented a brief to the Standing Senate Committee on Legal and Constitutional Affairs, entitled The Parole System in Canada. The brief was prepared by a Committee chaired by Professor Ronald Price of Queen's University and included William McGrath as secretary and the following members: Peter Norman Blacklock, Donald Dunn, Monica Freedman, Barbara Grove, W.F. McCabe, Stuart Ryan, E.B. Tofflemire, and T.C. Willett. The committee also received assistance from: C.A.M. Edwards, D.C. Mason, John Moloney, James A. Phelps, and T.R. Swabey.

Its first recommendation is still as valid today as it was 35 years ago:

Recommendation 1

It is recommended that as revisions are introduced, every effort be made to construct a system of parole in Canada that is readily understandable by prison inmates, parolees, the police, members of the Bench, prison and parole staffs, and the public.

The committee members were concerned about the lack of parole opportunities for provincial inmates as well and noted as much.

This lead to **Recommendation 3**

It is recommended that the federal government retain responsibility for parole as it applies to all inmates of federal penitentiaries and that, in respect to offenders imprisoned in a provincial institution for offences against the laws of Canada, legislation be enacted to permit provincial legislatures to establish their own parole authorities or to leave the parole jurisdiction for those inmates to the federal parole authority at their option. The National Parole Board would automatically be responsible for parole in provinces where the provincial legislature elects not to create its own parole authority.

Sensing the need for a period of supervision while an offender reintegrates the community, the brief states:

Recommendation 7

It is recommended that the sentencing provisions set out in Canadian criminal legislation be amended to make the last third of any fixed prison sentence a period of automatic mandatory supervision.

In attempting to ensure that there was an incentive for inmates to seek early release, recommendation 8 stated that:

Recommendation 8

It is recommended that the provision for statutory remission be revoked, and that the provision for earned remission be amended so that the inmate may earn up to five days a month.

To demonstrate that the CCJA was not just an inmate advocacy group, the next recommendation insisted upon a minimum period of imprisonment prior to eligibility as well as removing the National Parole Board from the authority to shorten eligibility periods:

Recommendation 9

It is recommended that the present Regulations establishing a minimum period of imprisonment that must be served before the inmate is eligible for parole be maintained; that the power to reduce the minimum period of eligibility be removed from the National Parole Board and placed with an appropriate court; and that the prior consent of the National Parole Board be required before an inmate may make such an application to the court.

In order to maintain fairness towards offenders however, Recommendation 10 insisted that time served while on parole count towards the completion of the sentence even if later revoked:

Recommendation 10

It is recommended that an inmate released on parole be credited towards the completion of his sentence, in the case of revocation, with the time served up to the date the parole suspension warrant is issued and, in the case of forfeiture (if forfeiture is to continue) with the time served up to the date the earliest offence was committed.

This brief also recommended the division of responsibilities between the Board and the National Parole Service. Several years later, this lead to the unification of the Penitentiary Service and the Parole Service as the Correctional Service of Canada, as it has remained.

Recommendation 12

It is recommended that the two responsibilities now carried by the Chairman of the National Parole Board, that of chairing the National Parole Board and that of supervising and directing the National Parole Service, be carried separately by two different individuals.

Finally, it is interesting to read some of the comments relating to the issue of parole risks as well as the nature and value of mandatory supervision.

There are, of course, risks in releasing offenders on parole. However, there are risks in any program for offenders. The short-term risks of parole are calculated risks over which there is some measure of control. The risks involved in keeping the offender in prison too long, thus robbing him of hope, self-confidence and initiative before turning him free without assistance in making the adjustment, are greater in most cases.

We reaffirm our belief in parole and, indeed, consider it an essential step in the correctional process. Instead of favouring a reduction in the use of parole in Canada, we are of the opinion that as many prison inmates as possible should be released on parole and as early in their sentence as possible, consistent with the safety of the public.

The brief also cautioned the committee about considering the abolition of Mandatory Supervision.

At present, about one-half of the 3,200 inmates coming out of federal penitentiaries each year do so on parole. If there were no provision for mandatory supervision, that would mean that some 1,600 would be released into the community each year at termination of sentence without supervision, and without assistance unless they sought help from a private agency. Among those so released would be many of the most dangerous offenders since the group would include those who were refused parole.

Many of the above recommendations were indeed introduced into law. Unfortunately, the conversations and controversy did not end there.

On October 22, 1975, CCJA responded to Working paper 11 of the Law Reform Commission. CCJA was generally supportive but not entirely:

1. *The Association supports the statement of guides to sentencing of the Working Paper, particularly as it relates to imprisonment: "Justice requires that the sanction of imprisonment not be disproportionate to the offence, and humanity dictates that it must not be heavier than necessary to achieve its objective."*
2. *The Association supports the suggestion that a relatively detailed correctional plan should be drawn up for each inmate which sets up the steps he must take to be eligible for parole.*
3. *The Working Paper sets out three justifications for imprisonment: separation of the dangerous, denunciation of the crime, and enforcing the demands of community sentences. The Association does not agree that the goals of separation of the dangerous and denunciation of the crime can be distinguished and formalized to the extent proposed in the paper.*

And CCJA was most distinctly in disagreement on:

4. *The Association does not agree that prison sentences should be limited to twenty years. Society does need some form of protection against violence and life sentences with the possibility of parole may be the most practical answer to some offences and their perpetrators.*

In short, through the lens of retrospection, CCJA demonstrated a balanced and thoughtful approach that is as logical and applicable today as it was then.

On December 12, 1985, CCJA presented a brief to the Legislation Committee of the House of Commons pursuant to the introduction of Bills C-67 and C-68. The then, Legislation Committee (now Policy Review Committee) of CCJA was not supportive of changes regarding mandatory supervision and stated:

1. *The intent and purpose of mandatory supervision as proposed by the Ouimet Commission in 1968 and as enacted in 1970, was to protect society against criminal behaviour by assuring that all offenders released from prison would benefit from supervision in the community and assistance in making a successful reintegration to community life. The intent of the current proposals (warrants of detention) as stated by the Honourable Perrin Beatty, Solicitor General of Canada, is to protect Canadian society by causing certain offenders believed to be dangerous, to serve the sentence through warrant expiry date, in penal institutions. It is the opinion of the CCJA Legislation Committee that the interests of society are better served by providing the offender with a period of intensive supervision and assistance in the community prior to warrant expiry, rather than have the offender released after warrant expiry without intensive supervision and assistance in the community.*

3. *The imposition of warrants of detention, as proposed in Bill C 67 is based upon "reasonable grounds to believe that the inmate is likely to commit, prior to the expiration according to law of the sentence he is serving, an offense causing the death of or serious harm to another person". The ability of social scientists and criminal justice experts to predict future violent behaviour on the part of inmates has not been demonstrated. In instances where there is a strong belief that an individual may, based upon his past history, engage in future violent acts, existing dangerous offender legislation may be utilized in order to implement measures governing eventual release.*

A great deal has since been published that does support much of the prediction research. In addition actuarial studies have been the backbone of much of parole decision making since then. In addition, and notwithstanding the CCJA position at the time, the reasonable grounds test for detaining an inmate was brought in and continues to exist today.

In 1991, CCJA' Parliamentary Monitoring Committee, chaired by Gerry Ruygrok, submitted its comments regarding Bill C-36, the precursor to the Corrections and Conditional Release Act (CCRA). The brief emphasized the need for a national strategy on crime prevention as well as public education. While indicating support for the parole system, concern about certain aspects was mentioned. In particular, while "fast tracking" of non-violent offenders sounded right, they questioned the wisdom of presumptive release (accelerated parole release) and feared that it could lead to the disrepute of the administration of the justice system. For many this is still true today!

1. The Protection of Society

The Association is in agreement with one of the central themes of Bill C-36 which places the protection of society as the paramount requirement of the criminal justice system. However, the Association does not believe that the ways outlined in the Bill will necessarily attain this goal.

The Association's recommendation:

In order to attain this goal, the Association recommends the implementation of a national strategy on the prevention of crime. This strategy, founded on target hardening and on social development, should bring together all levels of government and agencies of the private sector in a cooperative, working partnership.

Following the implementation, the Association indicates that the first component of this strategy must be to make public education about the operation of the criminal justice system, including the myths and realities which surround it, a high priority.

2. Necessary Measures to assure Public Protection

The Association supports the emphasis in the Bill on the principle of "the least restraint necessary" in relation to programs that require restraint of offenders. However, human behaviour is not changed simply by the restraint or containment alone of those who are under charge or commitment.

The Association's recommendation:

In order to modify human behaviour, the emphasis must also be placed upon providing offender programs. It is only through the provision of such programs and the timely reintegration of inmates into the community under effective supervision that the most humane and hopeful form of public protection can be provided.

3. The Parole System

The Association has historically defended the concept of parole and has called for reforms that would make it a more effective part of criminal justice. Thus, the Association supports the government's commitment to the retention of the parole system. However, it is of the opinion that some proposals in Bill C-36 will create conditions which will bring the corrections system into disrepute.

4. Statements of the Principles

The Association supports the decision to incorporate into legislation statements of the principles which will govern the administration of corrections and parole in the federal system.

In November 1999, CCJA prepared *"A Few Thoughts on Statutory Release"* for submission as part of the post five year review of the CCRA. Getting quickly to the point, it indicated that:

It appears that the issue of statutory release (SR) constitutes somewhat of a stumbling block and the sub-committee is seeking further input on this matter.

Let us recall that statutory release is a product of the CCRA which abolished remission and replaced it by statutory release at the two-thirds point for all penitentiary inmates (except those who are detained) who would henceforth be supervised to warrant expiry.

It was noted with concern that the statutory release population had increased by 29.3% in the six years after the coming into force of the CCRA. In 1998-99 there were 4430 releases on SR (55% of all penitentiary releases). It appears to have been accepted that this increase was due to an increase in the violent crime rate in Canada between 1978 and 1996. The brief indicates that "Although those same rates have been declining since 1996, the impact of that decline on statutory release has yet to be felt".

The brief asks the question **"Should SR be retained or abolished?"** Without offering a simple response, the brief points out that 60% of all statutory release over the course of five years were completed successfully, an average of 2808 per year. The length of a successful supervision period lasted 6.8 months, on average. Clearly it would not have made sense to keep that many offenders in prison until sentence expiry. The brief concludes:

At the very least, SR provides for gradual release and community supervision for a limited period of time, concepts which we have always supported.

It closes with the comment that

The current review of the CCRA has highlighted SR as a particularly delicate issue with many ramifications. We suggest that it be studied more in depth, that alternatives and their impact be explored, and that a further review on this specific matter occur 3 or five years from now.

It almost goes without saying that SR is "... a particularly delicate issue..." The reliance upon SR as a release mechanism and the importance of the period of supervision that goes with it is no less important today than it was in 1999. Indeed, in 2005-6, 5424 inmates were released directly on SR, 55.6% of all releases from CSC penitentiaries. Of these, 59% were successful while 8.8% committed a non-violent infraction and 2% committed a violent act. About 30% were revoked for breaches of conditions, in the absence of any further convictions.

Nonetheless, SR continues to be the lightning rod of the conditional release system. Opponents continue to call for its elimination. Recently, the CSC Review Panel proposed that SR and accelerated parole (APR) be abolished and replaced with a system of earned parole. While the concept may sound right, in reality it does not deal with the problem of thousands of inmates being released directly to the community, with no supervision. In the mid- term this will lead to major growth in the penitentiary population with costs of maintenance and construction soaring. Ultimately however, it can only lead to greater public risk. CCJA has offered to assist in developing alternatives. We will continue to follow this subject with great interest.

Our submission to the Minister of Public Safety, the honourable Stockwell Day, follows this article.

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January 29, 2008

The Honourable Stockwell Day, M.P., P.C.
Minister of Public Safety
269 Laurier Avenue West, 19th Floor
Ottawa, Ontario K1A 0P8

Dear Minister Day:

We have now had an opportunity to review the Report of the Correctional Service of Canada Review Panel. Given the limited time available to it, we must acknowledge the breadth of the work carried out by the Panel. There are a number of areas in which we agree with the analysis contained in the report. Indeed there are several suggestions presented in the brief of the Canadian Criminal Justice Association that appear to have been assimilated by the Panel.

There is however, one recommendation that causes us some serious concerns and another that requires clarification. We refer in the first place, to the recommendation to eliminate statutory release and the construction of regional complexes in the latter.

We are supportive of efforts to hold offenders accountable for their actions, much as any citizen should be held accountable. We are also, of course, supportive of any renewed efforts to develop and deliver rehabilitation programs to offenders. What causes us grave concerns is the suggestion that Statutory Release be eliminated without any clear solution to the problem of dealing with the huge numbers of inmates whose sole manner of release currently is statutory release. We are very doubtful that simply eliminating statutory release will motivate inmates to earn their way to parole. Indeed, since parole eligibility arrives at exactly the half-way point to statutory release, we must ask why these same inmates are not motivated to earn parole today, at only one-third of their sentences. The reason is not related simply to their lack of desire for freedom. They are not released at their first parole eligibility dates because the Parole Board does not judge them to be assumable risks in the community. If the problem is related to the availability of programs, then this needs to be rectified before considering any changes, not after. If there are other reasons, these need to be attended to as well.

It may be an attractive thought to extend the incarceration time for those who do not gain parole. It may also be attractive to insist that these inmates serve their entire sentences in the confines of penitentiaries. We would however, be overlooking the fact that judicial sentences contain two portions: a carceral part and a community part. In fact, the community part, obligatory supervision under strict conditions, is the safeguard that can assure our citizens that even though these individuals are released, public safety is still being maintained.

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The elimination of statutory release will lead to two very negative outcomes. In the first place, penitentiary populations will rise extraordinarily, probably increasing by about 20%. This will lead to crowding and security issues within the institutions, as well as increased competition for programs. The inevitable response will have to be massive construction efforts, at great cost to Canadians. In the second place and most critically, inmates in large numbers will be released from penitentiaries to Canadian communities without any supervision, save the possibility of 810 orders. This will put citizens at much greater risk than from offenders supervised by parole officers, while under statutory release, as is now the case. The Review Panel Report does not adequately address this concern. We trust that CSC and the NPB will develop options and solutions prior to any decision to eliminate statutory release. We would be happy to assist as well.

This leads us to the issue of regional complexes. While we support the modernization of Canadian correctional institutions, and have in fact suggested such to the Panel, we are concerned with the intent of constructing regional complexes as presented. Will such facilities promote effective and available correctional programs or more efficient lodging of more inmates? Will these facilities actually replace the out-dated institutions, or simply add to the inventory of cells? The latter point, whether intended or not, appears to be a probable outcome if our assessment of likely population growth following the abolition of statutory release is accurate.

We have taken the liberty of attaching for your perusal, a preliminary costing that we have done to illustrate the likely outcome costs of the abolition of Statutory Release. As you can see, in a worst case scenario, the Correctional Service of Canada would have an extra 2,310 inmates subsequent to such a change. If the response is construction of additional cell space – as distinct from replacement of old facilities – the cost could be close to one billion dollars. The on-going annual costs could also increase by about $156 million. Clearly there are more urgent and more productive ways to engage our resources in Canadian communities.

We have shared our views not with the goal of being critical but rather, in line with the objective of presenting alternative perspectives. We trust that you will have an opportunity to reflect on our thoughts and consider them helpful.

Sincerely yours,

Signed: Irving Kulik
Executive Director

Attachment

c.c. Mr. Keith Coulter, Commissioner, Correctional Service of Canada
Mr. Mario Dion, Chairperson, National Parole Board

The Cost of Abolishing Statutory Release (Projected)

1. In 2006-07, there were a total of 8,027 releases from federal institutions – 2,245 (28%) Day Parole, 168 (2%) Full Parole, 5,250 (65%) Statutory Release, 264 (3%) Warrant Expiry and 100 (1%) "Other" (death, transfer to other countries, etc.)
2. The average length of supervision on statutory release was 6.6 months.
3. Assuming the worst case scenario, that is all current SR cases will only be released upon Warrant Expiry, we would be looking at an average increase of 2,888 incarcerated inmates at any point in time (5,250 X 6.6 months/12 months). However, in an average year, about 40% are already revoked at some point during their statutory release. Assuming that on average, this happens after the half way point of their release period, some 20% would already be accounted for within the current cell occupation and would not require new cell capacity, leaving a net requirement for 2,310 additional cells (2,888 less 20 %)
4. It is not possible to predict how successful the new motivational, program, and educational initiatives may be at this time, so looking only at the worst case at this time for planning purposes, translates into dramatic cost increases for CSC.
5. Assuming that cell space is currently at, or close to capacity, an additional 2,310 cells will have to be brought on stream. The average construction period for an institution is 5 years so there could be a massive increase in current cell occupation norms in the interim.
6. An additional 2,310 cells require 5 major institutions (using the UN standard of 500 per institution). Based upon the CSC estimates quoted in the Deloitte & Touche report of $400,000 per medium security cell all-in cost, this would require an expenditure of approximately $924 million.
7. The 2004-05 cost of keeping an inmate in a penitentiary was $87,919. With this number, the annual costs of maintaining an additional 2,310 inmates would be $203 million. With the average cost of community supervision at $20,320 per offender, abolishing statutory release would lead to a reduction of $47 million in the community, leaving the net cost to be approximately $156 million per year.
8. We do not suggest that every offender currently released via SR would be detained until Warrant Expiry, however, for discussion purposes this does illustrate the potential, worst case costs. A more conservative assumption would be that approximately one-third of this group would be granted parole, given that the grant rate for Full Parole was 43% in 2006-07 and a significant portion of those released on SR were not granted parole. Even under this scenario, there would be an additional 1,525 inmates on average, requiring capital cost of $610 million and additional operating costs of $103 million.
9. It is not clear what impact the abolishment of Accelerated Day Parole and Accelerated Full Parole will have. It is safe to assume however, that it will impact negatively upon a portion of the 700 or so individuals who are released each year on their day parole eligibility date, and this will further stress the requirement for cell space in institutions.
10. In 2005-06, 10.3% of Full Paroles ended in revocation for a new offence. Of the population on SR, 11.3% were revoked for a new offence.

11. For the same year, 1.2% of those on Full Parole were revoked for a violent offence. Of SRs, 2.3%, ended in a revocation for a violent offence.

12. While we agree that the revocation rate for breaches of conditions are very significantly higher for statutory releases, such revocations should be considered as safety measures, avoiding the likelihood of offences in the community. Taking away the safety of compulsory supervision after release, the new regime will only lead to more likely recidivism by those currently being supervised while on statutory release.

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January 29, 2008

Plus ça Change...

Par Irving Kulik,

directeur général

L'ACJP soulignera quelques dates très marquantes au cours de 2008 et de 2009. Nous célébrerons en octobre de cette année le 50e anniversaire de la Revue canadienne de criminologie et de justice pénale. Et 2009 marquera le 90e anniversaire de la fondation de l'Association canadienne de justice pénale.

Il serait opportun d'effectuer un retour sur le passé et de prendre conscience des nombreuses contributions de l'Association et de la Revue. Mais nous ne pouvons manifestement pas le faire dans ce seul numéro d'Actualités-Justice. J'ai plutôt décidé de me concentrer sur un enjeu qui retient toujours l'attention aujourd'hui et d'examiner ce qu'on a pu en dire au fil des ans dans le cadre de divers énoncés de politique. Nous profiterons de numéros subséquents de ce magazine pour examiner certains sujets qui ont été traités de manière exhaustive dans la Revue.

Le régime de libération conditionnelle au Canada a suscité beaucoup de discussions avant et depuis l'adoption de la Loi sur la libération conditionnelle voilà près de 50 ans. C'est un sujet qui intéresse toujours les citoyens et les élus. Ce n'est donc pas un hasard qu'il ait suscité l'intérêt soutenu de l'ACJP.

Le 26 janvier 1973, l'ACJP déposait devant le Comité permanent des Affaires juridiques et constitutionnelles son mémoire intitulé La libération conditionnelle au Canada. Ce mémoire était le fruit d'un comité présidé par le professeur Ronald Price de l'University Queen's et qui incluait également William McGrath, agissant comme secrétaire, ainsi que Peter Norman Blacklock, Donald Dunn, Monica Freedman, Barbara Grove, W.F. McCabe, Stuart Ryan, E.B. Tofflemire et T.C. Willett. Ce comité a également reçu de l'aide de C.A.M. Edwards, D.C. Mason, John Moloney, James A. Phelps et T.R. Swabey.

Sa première recommandation est aussi valable aujourd'hui qu'elle l'était il y a trente-cinq ans :

Recommandation 1

Il est recommandé, au moment d'apporter des changements, qu'on mette tout en œuvre pour édifier un régime de libération conditionnelle qui soit facilement compris des détenus, des libérés conditionnels, de la police, de la magistrature, du personnel des prisons et de la libération conditionnelle, et du public.

Les membres du comité étaient préoccupés pas le manque de possibilités de libération conditionnelle pour les détenus relevant de la compétence des provinces et ont fait état de leurs inquiétudes à ce sujet.

C'est ce qui a donné lieu à la **Recommandation 3**

Il est recommandé que le gouvernement fédéral conserve la responsabilité de la libération conditionnelle pour ce qui est de tous les détenus des pénitenciers fédéraux et que, en ce qui concerne les délinquants incarcérés dans un établissement provincial en raison d'infractions aux lois fédérales, des dispositions soient adoptées qui permettent aux législatures provinciales d'établir leur propre administration des libérations conditionnelles. La Commission nationale des libérations conditionnelles serait automatiquement responsable des libérations conditionnelles dans les provinces où la législature provinciale décide de ne pas créer sa propre administration des libérations conditionnelles.

Sentant qu'il était nécessaire d'assurer la surveillance des délinquants au cours de leur période de réinsertion sociale, le mémoire affirmait :

Recommandation 7

Il est recommandé de modifier les dispositions relatives à la détermination de la peine énoncées dans la législation criminelle canadienne de façon à assujettir le dernier tiers de tout emprisonnement à une période de surveillance obligatoire automatique.

Dans le but d'assurer que les détenus soient motivés à demander une remise en liberté hâtive, la recommandation 8 se lisait comme suit :

Recommandation 8

Il est recommandé d'abroger la disposition relative à la remise de peine statutaire et de modifier la disposition relative à la remise de peine méritée afin que le détenu puisse gagner jusqu'à cinq jours par mois.

Voulant démontrer que l'ACJP n'était pas qu'un simple groupe de revendication des droits des détenus, la recommandation suivante mettait l'accent sur la nécessité pour un détenu de purger une peine minimum d'emprisonnement avant d'être admissible à une libération conditionnelle, en plus de retirer à la Commission nationale des libérations conditionnelles l'autorité d'abréger les périodes d'admissibilité :

Recommandation 9

Il est recommandé de maintenir le Règlement actuel qui établit une période minimum d'emprisonnement à purger avant que le détenu soit admissible à la libération conditionnelle; de retirer à la Commission des libérations conditionnelles le pouvoir de réduire la période minimale à purger pour qu'un détenu soit admissible et de confier ce pouvoir au tribunal approprié; d'exiger le consentement préalable de la Commission des libérations conditionnelles avant que le détenu puisse présenter une telle demande au tribunal.

Toutefois, dans le but de demeurer équitable à l'endroit des délinquants, la recommandation 10 insistait pour le temps passé sous libération conditionnelle soit débité de la peine totale à purger, même si la libération conditionnelle était subséquemment révoquée :

Recommandation 10

Il est recommandé que, dans le cas d'une révocation de libération conditionnelle, le temps purgé jusqu'à la date d'émission du mandat de suspension de la libération conditionnelle soit débité de la peine totale à purger et, si la libération conditionnelle est frappée de déchéance, que le temps purgé jusqu'à la date où le délit le plus ancien a été commis soit débité de la peine totale.

Ce mémoire recommandait aussi une division des responsabilités entre la Commission et le Service des libérations conditionnelles. C'est pour cette raison que plusieurs années plus tard le Service des pénitenciers et le Service des libérations conditionnelles ont été fusionnés pour former le Service correctionnel du Canada que l'on connaît aujourd'hui.

Recommandation 12

Il est recommandé que les deux responsabilités qu'exerce actuellement le président de la Commission nationale des libérations conditionnelles, soit la présidence de la Commission et la surveillance et la direction du Service national des libérations conditionnelles, soient exercées séparément par deux personnes différentes.

Pour conclure, il est intéressant de lire certains des commentaires relatifs à la question des risques que présente la libération conditionnelle et ceux traitant de la nature et de la valeur de la surveillance obligatoire.

La libération conditionnelle d'un détenu présente bien sûr certains risques. Mais tout programme pour détenus présente des risques. Les risques découlant de la libération conditionnelle sont des risques calculés sur lesquels on peut exercer un certain contrôle. Mais, dans la plupart des cas, on s'expose à des risques encore plus grands si on maintient un détenu en incarcération trop longtemps, le privant du même coup d'espoir, de sa confiance en soi et de son initiative, avant de le remettre en liberté sans qu'on l'aide à se réinsérer dans la société.

Nous réaffirmons notre foi en la libération conditionnelle et nous considérons d'ailleurs qu'il s'agit d'une étape essentielle du processus correctionnel. Loin de favoriser un recours moindre à la libération conditionnelle au Canada, nous sommes d'avis que le plus grand nombre possible de détenus devraient être libérés conditionnellement et aussitôt que possible dans leur sentence, de manière compatible avec la sécurité de la population.

Le mémoire déconseillait aussi au Comité permanent d'envisager l'abolition de la surveillance obligatoire.

À l'heure actuelle, environ la moitié des 3 200 détenus libérés d'un pénitencier fédéral annuellement profitent d'une libération conditionnelle. S'il n'existait pas de surveillance obligatoire, cela voudrait dire que, annuellement, quelque 1 600 détenus seraient remis en liberté à la fin de leur peine sans surveillance et sans aucune forme d'aide, à moins qu'ils n'en fassent eux-mêmes la demande auprès d'organismes privés. De ceux qui seraient ainsi libérés, on compterait un bon nombre des délinquants les plus dangereux, puisqu'ils se seraient déjà vus refuser une libération conditionnelle.

Bon nombre des recommandations formulées ont en fait été intégrées dans les textes législatifs. Malheureusement, cela n'a pas mis fin aux débats et à la controverse.

Le 22 octobre 1975, l'ACJP a réagi au document de travail N0 24 de la Commission de réforme du droit du Canada. Elle y était généralement favorable, mais elle a aussi exprimé certaines réserves :

1. *L'Association appuie l'énoncé de lignes directrices relatives à la détermination de la peine que contient le document de travail, particulièrement en ce qui a trait à l'incarcération : « le principe de justice requiert que l'emprisonnement ne soit pas une sanction disproportionnée à l'infraction. Selon le principe d'humanité, la sanction ne doit pas être plus lourde que ce qui est absolument nécessaire compte tenu des objectifs à réaliser. »*
2. *L'Association appuie la suggestion d'élaborer un plan correctionnel détaillé pour chaque détenu, qui établirait les mesures qu'il doit prendre pour être admissible à la libération conditionnelle.*
3. *Le document de travail énonce trois motifs pouvant être invoqués à l'appui de l'incarcération : neutraliser le délinquant dangereux, dénoncer des comportements répréhensibles, et servir de mesure de contrainte contre certains délinquants qui refusent de se soumettre à d'autres sanctions pénales. L'Association ne croit pas que l'on puisse distinguer et formaliser les buts de la neutralisation et de la dénonciation jusqu'au point où le document propose qu'on le fasse.*

Le point suivant représente le point sur lequel l'ACJP était le plus clairement en désaccord :

4. *L'Association n'est pas d'accord pour limiter à 20 ans les peines d'incarcération. La société a besoin d'être protégée de la violence d'une façon quelconque et des peines à perpétuité avec possibilité de libération conditionnelle pourraient représenter l'alternative la plus valable relativement à certains délits et leurs auteurs.*

En bref et en rétrospective, l'ACJP a emprunté une approche équilibrée et réfléchie qui est tout aussi logique et pertinente aujourd'hui qu'elle l'était alors.

Le 12 décembre 1985, l'ACJP a présenté un mémoire au Comité législatif de la Chambre des communes donnant suite au dépôt des projets de loi C-67 et C-68. Le Comité de législation de l'ACJP de l'époque (aujourd'hui le Comité d'examen des politiques) s'était opposé aux changements proposés au chapitre de la surveillance obligatoire et avait affirmé :

1. *L'intention et l'objectif visés par la libération sous surveillance obligatoire, comme proposés par la Commission Ouimet en 1968 et comme inclus dans la Loi de 1970, étaient de protéger la société contre le comportement criminel en assurant que tous les détenus libérés bénéficieraient de surveillance communautaire et d'aide à la réinsertion sociale. L'intention sous-jacente aux propositions actuelles (mandat de détention), comme formulée par l'honorable Perrin Beatty, solliciteur général du Canada, est de protéger la société canadienne en imposant à certains détenus présumés dangereux de purger leur peine en établissement, et ce, jusqu'à l'expiration de leur mandat d'incarcération. De l'avis du Comité de législation de l'ACJP, les intérêts de la société sont mieux servis en offrant aux détenus une période de surveillance et d'aide communautaire intensive avant l'expiration de son mandat d'incarcération plutôt de voir le détenu obtenir une libération sans surveillance et sans aide communautaire intensive.*

3. *Le recours à des mandats de détention, tel que le suggère le projet de Loi C-67, se fonde sur « des motifs raisonnables de croire que le détenu commettra probablement avant l'expiration légale de la peine qu'il purge un délit causant la mort ou qu'il blessera gravement une autre personne ». La capacité des spécialistes des sciences sociales et du domaine de la justice pénale de prédire le comportement violent et éventuel de détenus n'a pas encore été établie. Dans les cas où, en se fondant sur l'historique d'un détenu, on croit fermement qu'il pourrait commettre des actes de violence dans le futur, les dispositions législatives existantes relatives aux délinquants dangereux pourraient être utilisées afin de mettre en place des mesures permettant de gérer sa libération éventuelle.*

Beaucoup d'écrits ont été publiés depuis appuyant bel et bien une bonne part de la recherche en matière de prédiction. En outre, une bonne partie du processus de prise de décision s'appuie depuis lors sur des études actuarielles. De plus et nonobstant la position exprimée par l'ACJP à cette époque, on a alors instauré le test des « motifs raisonnables » pour déterminer si un détenu devait faire l'objet d'un mandat de détention et ce test est toujours utilisé aujourd'hui.

En 1991, le Comité de surveillance des activités parlementaires de l'ACJP, présidé par Gerry Ruygrok, a offert ses commentaires relatifs au projet de loi C-36, le précurseur de l'actuelle Loi sur le système correctionnel et la mise en liberté sous condition (LSCMLC). Ce mémoire mettait l'accent sur la nécessité d'adopter une stratégie nationale de prévention de la criminalité et de procéder à l'éducation du public. Tout en demeurant favorable au régime de libération conditionnelle, le mémoire faisait état de quelques préoccupations relatives à certains aspects du régime. Ainsi, bien qu'il ait pu sembler raisonnable de parler de « traitement accéléré » des cas de détenus non violents, on s'interrogeait sur la sagesse de la remise en liberté à une date prédéterminée (procédure accélérée de libération conditionnelle), craignant qu'une telle approche puisse jeter le discrédit sur l'administration de la justice. Pour bien des gens, cela demeure vrai encore aujourd'hui!

1. La protection de la société

L'Association est d'accord avec l'objectif énoncé dans le projet de loi qui prévoit que le système de justice pénale doit avant tout protéger la société. Par contre, elle ne croit pas que les moyens énoncés dans le projet de loi permettront d'atteindre cet objectif.

La recommandation de l'Association :

Afin d'atteindre cet objectif, l'Association recommande la mise sur pied d'une stratégie nationale de prévention de la criminalité. Cette stratégie, fondée sur un resserrement de la protection des cibles et sur le développement social, devrait amener tous les ordres de gouvernement et les organismes du secteur privé à travailler ensemble.

Comme suite à la mise sur pied de cette stratégie, l'Association énonce que la première tâche à entreprendre serait d'informer le public afin qu'il puisse mieux comprendre le mode de fonctionnement de la justice pénale, ainsi que les mythes et réalités qui l'entourent.

2. Mesures nécessaires à la protection du public

L'Association souscrit au principe énoncé dans le projet de loi voulant que ces mesures soient le moins restrictives possible. Par contre, l'Association croit que ce n'est pas uniquement en restreignant la liberté ou en enfermant ceux qui sont accusés ou condamnés que l'on modifie le comportement humain.

La recommandation de l'Association :

Afin de parvenir à modifier le comportement humain, l'Association affirme qu'il faut offrir aux délinquants des programmes efficaces de modification du comportement. C'est seulement en offrant ces programmes et en réintégrant les détenus dans la communauté en les soumettant à une surveillance efficace que l'on peut protéger le public de la façon la plus humaine et la plus positive.

3. Le régime de libération conditionnelle

L'Association a toujours défendu le principe de la libération conditionnelle et a demandé des réformes qui en feraient un élément plus efficace de la justice pénale. Elle approuve l'engagement du gouvernement à maintenir le régime de libération conditionnelle. Toutefois, elle estime que certaines des dispositions du projet de loi vont contribuer à jeter le discrédit sur les services correctionnels.

4. Les déclarations de principes

L'Association approuve la décision d'intégrer dans la loi des déclarations de principes régissant l'administration des services correctionnels et de la libération conditionnelle dans le système fédéral.

En novembre 1999, l'ACJP avait produit un document intitulé « A Few Thoughts on Statutory Release » [Quelques pensées relatives à la libération d'office] à être présenté dans le cadre de l'examen de la LSCMLC cinq ans plus tard. Le document allait droit au but et affirmait :

La question de la libération d'office (LO) semble constituer une pierre d'achoppement pour le sous-comité qui souhaiterait un apport d'idées nouvelles sur le sujet.

Rappelons que la libération d'office est le produit de la LSCMLC qui a aboli la remise de peine pour la remplacer par la libération d'office aux deux tiers de leur peine pour tous les détenus en pénitencier (exception faite des détenus faisant l'objet d'un mandat de détention), qui seraient dorénavant soumis à une surveillance communautaire jusqu'à l'expiration de leur mandat.

On s'inquiétait du fait que la population des détenus libérés d'office avait augmenté de 29,3 % au cours de six années subséquentes à l'entrée en vigueur de la LSCMLC. En 1998-1999, 4 430 personnes avaient été libérées d'office (soit 55 % de toutes les remises en liberté d'un pénitencier). On semblait accepter que cette augmentation était attribuable à l'augmentation des taux de la criminalité avec violence au Canada entre 1978 et 1996. Le mémoire ajoutait que « Bien que ces mêmes taux aient été à la baisse depuis 1996, il était encore trop tôt pour évaluer l'incidence de cette baisse sur les libérations d'office ».

Le mémoire posait la question : « Devrait-on maintenir ou abolir la libération d'office? » Sans vouloir proposer une réponse simple, le mémoire soulignait que 60 % des libérations d'office accordées au cours de cinq années avaient été complétées avec succès, soit 2 808 par année en moyenne. La durée moyenne des périodes de surveillance réussies s'établissait à 6,8 mois en moyenne. Il n'aurait manifestement pas été logique de garder un si grand nombre de détenus en prison jusqu'à l'expiration de leur mandat. Le mémoire en vient à la conclusion suivante :

À tout le moins, la LO permet une remise en liberté graduelle et une période de surveillance communautaire pour une période de temps limitée, deux concepts que nous avons toujours appuyés.

Il concluait comme suit :

Le présent examen de la LSCMLC a attiré l'attention sur la LO en tant que question particulièrement délicate comportant de nombreuses ramifications. Nous suggérons qu'on étudie cette question plus à fond, qu'on examine les mesures de rechange possibles et leurs répercussions, et que cette question précise fasse l'objet d'un autre examen dans 3 ou 5 ans.

Il va presque sans dire que « la LO est une question particulièrement délicate ». La confiance que l'on a en la LO comme mécanisme de remise en liberté et l'importance que revêt la période de surveillance qui l'accompagne ne sont pas moins importantes aujourd'hui qu'elles ne l'étaient en 1999. En effet, 5 424 détenus ont été libérés d'office au cours de l'exercice 2005-2006, soit 55,6 % de tous les détenus remis en liberté d'un pénitencier du SCC. De ce nombre, 59 % ont complété avec succès leur période sous surveillance, alors que 8,8 % commettaient une infraction sans violence et 2 % commettaient un acte de violence. Environ 30 % des LO ont été révoquées à la suite d'un bris de conditions, sans qu'un nouveau crime ait été commis.

La LO demeure néanmoins le paratonnerre du régime de mise en liberté sous condition. Ses détracteurs continuent d'exiger qu'on l'abolisse. Le Comité d'examen du SCC recommandait qu'on abolisse la libération d'office et la procédure d'examen expéditif pour les remplacer par un régime de libération conditionnelle méritée. On pourrait penser qu'il s'agit là d'une bonne idée, mais, dans les faits, cette approche ne s'attaque pas au problème potentiel qui pourrait découler de la remise en liberté, directement dans la collectivité et sans surveillance, de milliers de détenus qui n'auraient pas mérité une libération conditionnelle. Il en résulterait à moyen terme une croissance importante de la population carcérale et une flambée des coûts d'entretien et de construction. En fin de compte, cela ne pourrait que contribuer à un accroissement des risques pour la population. L'ACJP a offert d'aider à trouver des mesures de rechange. Nous continuerons de suivre ce dossier avec beaucoup d'intérêt.

On trouvera ci-après le texte de la lettre sur ce sujet que nous avons adressée à l'honorable Stockwell Day, ministre de la Sécurité publique.

CANADIAN CRIMINAL JUSTICE ASSOCIATION
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Le 29 janvier 2008

L'honorable Stockwell Day, C.P., député
Ministre de la Sécurité publique
269, avenue Laurier Ouest, 19e étage
Ottawa (Ontario) K1A 0P8

Monsieur le Ministre,

Nous avons eu l'occasion de prendre connaissance du Rapport du Comité d'examen du Service correctionnel du Canada. Il nous faut reconnaître l'importance de la tâche abattue par le Comité en regard du temps qui lui était alloué. Nous endossons bon nombre des analyses contenues dans le rapport. Le Comité semble en effet avoir intégré dans son mémoire plusieurs des suggestions formulées par l'Association canadienne de justice pénale.

Toutefois, une des recommandations du Comité suscite chez nous une profonde inquiétude et une autre demande à être précisée. Nous voulons traiter en premier lieu de la recommandation d'éliminer la libération d'office et, en deuxième lieu, de celle visant la construction de complexes régionaux.

Nous appuyons les efforts destinés à faire en sorte que le délinquant ait à rendre compte de ses gestes, comme doit le faire chaque citoyen. Bien sûr, nous appuyons aussi tous les efforts renouvelés visant à élaborer et à offrir des programmes de réadaptation à l'intention des délinquants. Ce qui nous inquiète au plus haut point, c'est qu'on suggère d'éliminer la libération d'office sans proposer de solution claire au problème que poserait le fait d'avoir à composer avec le très grand nombre de détenus pour lesquels la libération d'office constitue le seul moyen de recouvrer la liberté. Nous doutons fortement que le simple fait d'abolir la libération d'office suffise à motiver les détenus à faire les efforts requis pour mériter une libération conditionnelle. La période d'admissibilité à la libération d'office étant deux fois plus longue que la période d'admissibilité à une libération conditionnelle, nous nous demandons pourquoi ces mêmes détenus ne sont pas aujourd'hui motivés à travailler en vue de mériter une libération conditionnelle après avoir purgé un tiers seulement de leur peine. Ce n'est certes pas parce qu'ils ne désirent pas assez leur liberté. S'ils ne sont pas libérés à leur première date d'admissibilité à une libération conditionnelle, c'est que la Commission nationale des libérations conditionnelles considère qu'ils constituent un risque trop élevé à assumer par la collectivité. Si on considère que ce problème est attribuable au manque de programmes, il faudrait apporter les correctifs qui s'imposent avant d'envisager des changements, non pas après les avoir apportés. S'il existe d'autres motifs, il faudrait les aborder aussi.

L'idée de prolonger la durée de l'incarcération des personnes qui n'obtiennent pas de libération conditionnelle pourrait présenter un certain attrait. Il pourrait être attrayant aussi d'insister pour que ces mêmes détenus aient à purger l'entièreté de leur peine entre les murs d'un pénitencier. Le cas échéant, nous ferions alors abstraction du fait que la peine imposée par le juge est

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PROVINCIAL ASSOCIATIONS **ASSOCIATIONS PROVINCIALES**

Alberta Criminal Justice Association, British Columbia Criminal Justice Association, Manitoba Criminal Justice Association, New Brunswick/Prince Edward Island Criminal Justice Association, Newfoundland and Labrador Criminology and Corrections Association, Nova Scotia Criminal Justice Association, Ontario Association of Corrections and Criminology, Société de criminologie du Québec, Saskatchewan Criminal Justice Association

constituée de deux parties: l'une à purger en établissement et l'autre, dans la collectivité. En fait, la portion communautaire comporte une période de surveillance stricte et obligatoire et constitue une mesure de protection permettant de fournir l'assurance aux citoyens que la sécurité de la population sera préservée, même si ces détenus sont libérés.

L'élimination de la libération d'office aura deux incidences négatives. En premier lieu, la population des pénitenciers augmentera de manière phénoménale, vraisemblablement de quelque 20 %. Cela entraînera des problèmes de surpeuplement et de sécurité au sein des établissements, de même qu'une demande accrue pour plus de programmes. Il en résultera inévitablement un programme intensif de construction, qui engendrera des coûts très élevés pour les contribuables canadiens. En deuxième lieu et d'importance capitale, un très grand nombre de détenus seront remis en liberté dans la collectivité sans aucune forme de surveillance, exception faite peut-être de ceux qui seront remis en liberté sous le coup d'une ordonnance du tribunal en vertu de l'article 810 du Code criminel. La population aura de ce fait à assumer un risque beaucoup plus grand que celui qu'elle aurait eu à assumer si ces délinquants libérés d'office étaient surveillés par des agents de libération, comme c'est actuellement le cas. Le Rapport du Comité d'examen ne répond pas adéquatement à cette préoccupation. Nous espérons que le SCC et la CNLC mettront au point certaines options et solutions avant que la décision d'abolir la libération d'office ne se concrétise. Nous accepterions avec plaisir de contribuer à cet exercice.

Cela nous amène à traiter de la question des complexes régionaux. Bien que nous soyons favorables à l'idée de moderniser les établissements correctionnels du pays – nous en avons d'ailleurs fait la suggestion au Comité –, l'intention de construire des complexes régionaux, telle qu'articulée, nous préoccupe. De tels établissements favoriseront-ils la mise en œuvre de programmes correctionnels plus efficaces et plus nombreux ou serviront-ils à loger un plus grand nombre de détenus à moindre coût? Ces nouveaux établissements remplaceront-ils les établissements vétustes actuels ou feront-ils simplement augmenter le nombre des cellules disponibles? Qu'on l'ait voulu ou non, ce dernier scénario semble constituer le résultat le plus plausible, advenant que nos prévisions de la croissance probable de la population carcérale à la suite de l'abolition de la libération d'office s'avèrent justes.

Nous nous sommes permis d'annexer, pour votre considération, notre évaluation préliminaire des coûts qu'entraînerait vraisemblablement l'abolition de la libération d'office. Comme vous pourrez le constater, dans la pire des hypothèses, le Service correctionnel du Canada aurait à composer avec 2 310 détenus de plus à la suite d'un tel changement. Il faudrait investir près de un milliard de dollars pour résoudre ce problème en construisant des cellules supplémentaires – ce qui est bien différent de remplacer des installations vétustes. Les coûts annuels récurrents pourraient aussi grimper d'environ 156 millions de dollars. Il existe manifestement des besoins plus urgents et des moyens plus rentables d'engager nos ressources dans les collectivités canadiennes.

Nous ne vous avons pas communiqué nos vues dans le simple but de critiquer, mais plutôt dans le but de faire valoir une autre perspective. Nous comptons que vous aurez l'occasion de réfléchir à nos idées et que vous les jugerez utiles.

Veuillez agréer, Monsieur le Ministre, l'expression de mes sentiments respectueux.

Le directeur général,

Signé: Irving Kulik

p. j. Analyse des coûts liés à l'abolition de la libération d'office

c.c. M. Keith Coulter, commissaire, Service correctionnel du Canada
M. Mario Dion, président, Commission nationale des libérations conditionnelles

Combien coûterait l'abolition de la libération d'office (prévisions)

1. En 2006-2007, on a octroyé 8 027 libérations d'un établissement fédéral: 2 245 (28 %) semi-libertés; 168 (2 %) libérations conditionnelles totales; 5 250 (65 %) libérations d'office; 264 (3 %) libérations à la date d'expiration du mandat; 100 (1 %) libérations pour d'autres mtifs (décès, transfèrement dans un autre pays, etc.).
2. La durée moyenne de la période de surveillance sous libération d'office (LO) s'établissait à 6,6 mois.
3. Dans la pire des hypothèses, soit celle où tous les cas actuels de libération d'office ne seraient libérés qu'à l'expiration de leur mandat d'incarcération, on aurait à composer avec une augmentation moyenne de 2 888 du nombre de personnes incarcérées à tout moment (5 250 X 6,6 mois/12mois). Toutefois, environ 40 % des détenus libérés d'office font déjà l'objet d'une révocation au cours de leur période sous surveillance. Si l'on suppose que, en moyenne, la révocation survient après que se soit écoulée la moitié de leur période sous surveillance, quelque 20 % de ces personnes occupent déjà une cellule et il ne serait pas nécessaire d'en prévoir une nouvelle pour elles; conséquemment, le besoin net se chiffrerait à 2 310 cellules supplémentaires (2 888 moins 20 %).
4. Il est impossible pour le moment de prédire si le nouveau programme axé sur la motivation et les initiatives d'éducation connaîtront du succès; ainsi, le fait de planifier en ne considérant que le pire des scénarios se traduirait par des augmentations de coûts spectaculaires pour le SCC.
5. Dans l'hypothèse où les cellules disponibles à l'heure actuelle seraient occupées à pleine capacité ou presque, il faudrait que 2 310 cellules supplémentaires soient mises en service. Il faut en moyenne cinq ans pour construire un établissement; il pourrait donc dans l'intervalle y avoir une augmentation massive du taux d'occupation des cellules existantes.
6. Si l'on se conforme à la norme de 500 cellules par établissement édictée par les Nations-Unies, il faudrait pour se doter de 2 310 cellules supplémentaires construire 5 gros établissements. Selon les estimés du SCC cités dans un rapport de la firme Deloitte et Touche, le coût tout compris d'une cellule à sécurité moyenne est de 400 000 $, ce qui entraînerait une dépense de quelque 924 millions de dollars.
7. En 2004-2005, le coût annuel de l'incarcération d'un détenu en pénitencier se chiffrait à 87 919 $. Si l'on retient ce chiffre, le coût annuel du maintien en établissement de 2 310 détenus supplémentaires s'établirait à 203 millions de dollars. Le coût moyen de la surveillance dans la collectivité est de 20 320 $ par délinquant; conséquemment, l'abolition de la libération d'office se traduirait par une économie de 47 millions de dollars au chapitre des services offerts dans la collectivité et le coût net du maintien en établissement de 2 310 détenus de plus serait donc de quelque 156 millions par année (203 moins 47 millions).

8. Nous ne prétendons pas que tous les détenus qui sont aujourd'hui libérés d'office seraient détenus jusqu'à la date d'expiration de leur mandat, mais, pour fins de discussion, nos hypothèses font ressortir les coûts potentiels qui pourraient être encourus dans le pire des scénarios. Comme le taux d'octroi d'une libération conditionnelle totale était de 43 % en 2006-2007 et comme une proportion importante des détenus libérés d'office n'a pas obtenu de libération conditionnelle, on pourrait supposer de manière plus conservatrice qu'environ le tiers de ce groupe obtiendrait une libération conditionnelle. Même dans cette hypothèse, une moyenne de 1 525 détenus viendrait gonfler la population carcérale, ce qui entraînerait des dépenses en immobilisations de 610 millions de dollars auxquelles s'ajouterait une somme de 103 millions de dollars en coûts d'exploitation.

9. Les répercussions qu'aurait l'abolition de la procédure d'examen expéditif, tant en vue d'une semi-liberté que d'une libération conditionnelle totale, ne sont pas claires. On peut toutefois considérer qu'elle aurait une incidence négative pour une partie des quelque 700 personnes qui, chaque année, sont libérées à leur date d'admissibilité à une semi-liberté, et cela accentuerait davantage la nécessité d'ajouter de nouvelles cellules.

10. En 2005-2006, 10,3 % des libérations conditionnelles totales se sont soldées par une révocation à la suite d'un nouveau délit. Ce pourcentage s'établissait de 11,3 % dans le cas des personnes libérées d'office.

11. Pour cette même année, 1,2 % des libérations conditionnelles totales se sont soldées par une révocation à la suite d'une infraction avec violence. Ce pourcentage s'établissait de 2,3 % dans le cas des personnes libérées d'office.

12. Nous convenons que le taux de révocation pour bris de condition est beaucoup plus élevé dans le cas des personnes libérées d'office, mais il faudrait voir ces révocations comme des mesures préventives contribuant à limiter la probabilité que des infractions soient commises dans la collectivité. En éliminant la sécurité que procure une surveillance obligatoire postlibératoire, le nouveau régime ne fera que contribuer à la récidive plus probable des personnes qui sont actuellement soumises à une surveillance pendant qu'elles jouissent d'une libération d'office.

Document rédigé par:

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Le 29 janvier 2008

Quarter Century Club

The following persons and associations listed below have been members of the Canadian Criminal Justice Association **for 25 years and more.**

We would like to congratulate them for their constant support over the years.

CHURCH COUNCIL ON JUSTICE (ON)

ST. LEONARD'S SOCIETY CANADA (ON)

ARTHURS, Sheila (ON)

BENSON, Allen (AB)

CARLSON, Terry M. (NFL)

CARTER, Jim
(Min. PSEP, Community Corr.) (NB)

CONROY, Q.C., John (BC)

COOPER, J.A.
(B.C. Borstal Assoc.) (BC)

CRAWFORD, Trish
(Elizabeth Fry Society Kingston) (ON)

FRIEL, Dr. Jon (AB)

FRY, William J.
(John Howard Society Durham) (ON)

HECKBERT, Douglas (SK)

JOHN HOWARD SOCIETY OF CANADA (ON)

Club Quart de Siècle

Les personnes et associations listées ci-dessous, sont membres de l'Association canadienne de justice pénale **depuis 25 ans et plus.**

Nous aimerions les féliciter pour leur support assidu au cours de ces années.

KASTNER, The Hon. Justice Nancy S. (ON)

KOROL, Janina (ON)

LAUTT, Melanie (MB)

LAW NOW, LEGAL RESOURCE CTRE,
(University of Alberta) (AB)

MOHR, Dr. J.W. (ON)

RUSSELL, Robert (ON)

ST. LEONARDS COMMUNITY SERVICES BRANTFORD (ON)

SNYDER, Arn (ON)

TAYLOR, Dickson E. (ON)

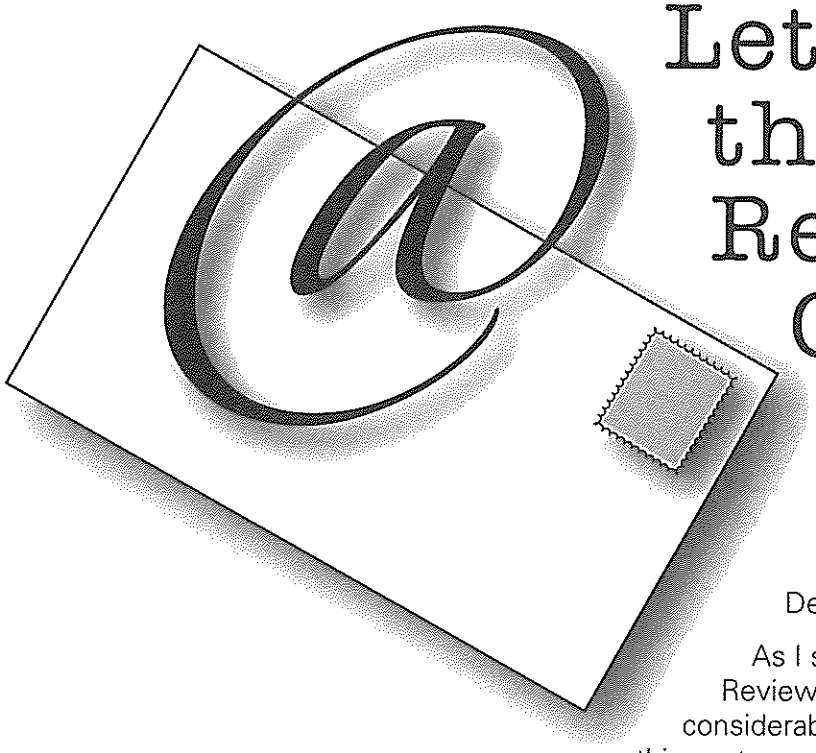
TÉTRAULT, Pierre (QC)

THOMPSON, Glenn R. (ON)

VERDUN-JONES, Dr. Simon N. (BC)

WILLIAMS, Paul J. (QC)

Thank you for your continous support / Merci pour votre soutien continu.



Letter from the Policy Review Committee

Dear CCJA members,

As I step down as Chair of the CCJA's Policy Review Committee, I wish to acknowledge the considerable work of its volunteer members over this past year in addressing developments in Canadian justice policy. With respect to legislation, a number of crime Bills were introduced in Parliament, debated, amended, and passed. Many of these Bills were introduced more than once in various forms, requiring revised examination and input. Once again I invite CCJA members to review our finalized briefs on the Association website. The PRC also tackled a variety of other policy issues, ranging from input to the government's CSC Review Panel to discussions regarding the well-known and recently overturned Latimer parole decision.

The CCJA PRC submitted briefs regarding a number of crime Bills to the relevant Parliamentary Committees, culminating most recently with our brief on Bill C-2, commonly known as the 'Tackling Violent Crime Act'. Prior to Parliament being prorogued in the fall, the PRC developed and submitted briefs on C-10 (minimum penalties for offences involving firearms), C-27 (dangerous offenders and recognizances to keep the peace), C-22 (age of protection) and C-32 (impaired driving). Our efforts contributed to a thorough understanding of the repercussions of the proposed legislation, resulting in a number of amendments being made at the House of Commons Committee level. Our briefs are well received by such Committees, as evidenced by continued invitations to testify on the issues and amendments reflecting facts presented in our briefs.

C-10, C-27, C-22 and C-32 were never passed in the last Parliamentary Session, however, nor were they reintroduced in the current Session. Instead, these Bills were combined (along with Bill C-35 – reverse onus in bail hearings for firearm-related offences) and introduced as Bill C-2, the 'Tackling Violent Crime Act'. This omnibus Bill proceeded very quickly through the House of Commons, and the PRC prepared a brief on the Bill

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for the Senate Standing Committee on Legal and Constitutional Affairs as well as the Honourable Minister of Justice. On February 13, 2008, I, along with Stacey Hannem of the PRC, testified before this Committee, outlining our position and answering the questions of the Senators. Although the Standing Committee reported Bill C-2 back to the Senate without amendments on February 27, they did include a number of notable observations that I invite you to read on the Parliamentary website. Interestingly, almost all of the concerns with C-2 specified by the Senators of the Standing Committee echo those found in the CCJA PRC brief on C-2 and/or in our verbal testimony. Clearly, many of the Senators recognize the value of our (and others') factual testimony with respect to C-2, resulting in the observations noted.

In addition to this legislative work, the PRC provided discussion and input into the CCJA's submission to the CSC Review Panel. With the release of the Panel's Report in the fall, the PRC reviewed its findings and contributed to the preparation of a letter written by Executive Director Irving Kulik to the Honourable Minister of Public Safety. This letter acknowledges the recommendations of the Report, many of which echo the suggestions identified in the CCJA's earlier submission to the Panel, while also noting concerns with some others. We await any further request to comment on the Panel's findings and the repercussions of the Report.

Currently, the PRC is examining Bill C-25 (pre-trial detention and denunciation and deterrence in the YCJA), Bill C-26 (minimum penalties for serious drug offences) and Bill C-428 (methamphetamine). I invite interested CCJA members to contact the PRC with any comments or concerns regarding these or other criminal justice policy initiatives that develop.

I also invite you to consider membership in the Policy Review Committee, as we enhance our nationwide representation. We value your insight and expertise, and encourage your participation as we continue to address these very important issues. CCJA Past-President Willie Gibbs will be chairing the PRC over the next several months – I welcome his leadership and experience to the role!

Sincerely,

Signed: Tim Stuempel,
Chair, CCJA – Policy Review Committee

Alberta Criminal Justice Association

(The following text is a review of a Conference organized by the ACJA, last November, on "Communities Responding to Crime")

Workshop review

By Catherine Williams

Research Officer, Criminal Justice Division, Alberta Justice

This year, the ACJA held a multidisciplinary workshop on November 2, 2007 at the Red Deer Legion in Red Deer. The theme selected for the workshop was Communities Responding to Crime, and the engaging and innovative presenters who spoke at the workshop certainly did this theme justice (pun intended). A special thank you goes out to all the volunteers and staff at the Legion who worked so hard to accommodate the workshop participants and delighted everyone with their succulent lunchtime fare.

Crime Reduction and Safe Communities Presentation

The workshop began with a presentation from Heather Forsyth, MLA for the Calgary-Fish Creek area and chair of the nine-member Crime Reduction and Safe Communities Task Force. The Crime Reduction and Safe Communities Task Force was established by the Government of Alberta to collect ideas and feedback from Albertans on ways to reduce crime, enhance community safety and improve public confidence in the criminal justice system. The task force met with the public and stakeholders in 14 communities throughout the province during late April and May of 2007.

Although Ms. Forsyth was not able to discuss the task force report findings as they had not been released at the time of the workshop, she was able to give attendees a tantalizing glimpse into what the task force heard from Albertans on the subject of crime and crime reduction. The task force heard from victims and their tragic losses, they heard from community leaders working for change and they heard from offenders themselves within the justice system.

Despite the diverse nature of the individuals who participated in the task force forums, Ms. Forsyth identified 5 key themes that consistently emerged from the communities. First, in every community the task force visited there was serious concern with alcohol and substance abuse issues. Many communities felt Alberta's "work hard play hard" mentality encouraged binge drinking and felt that better and longer-term treatment options must be explored to address substance abuse as well as mental health issues. Second, communities expressed a need for a more responsive court and legal system through initiatives that focus on developing a quicker link between crime and the resulting punishment.

Poor parenting was also frequently cited as a concern to communities and a significant root cause of crime. Community members suggested that targeting additional resources to address family violence, Fetal Alcohol Spectrum Disorder and at-risk youth would allow families to flourish within the province. A fourth theme was a need for more police officers on the streets to help keep communities safe. Last but certainly not least, the task force members heard about many important community-led initiatives that are demonstrating tremendous success in their areas. The task force heard that the best solutions to crime in communities come from the communities themselves and that increased collaboration between community agencies and government is essential in the fight against crime.

The task force report Keeping Communities Safe is now available online and may be viewed at the following website: http://justice.gov.ab.ca/initiatives/Default.aspx?id=5074

Karen Venables followed Ms. Foryth with a stirring and deeply moving presentation of her own. Although Ms. Venables is a member of the Crime Reduction and Safe Communities Task Force, the focus of her presentation was not the report, but rather her own experiences as someone who has been profoundly affected by crime. Ms. Venables' son, Devin Venables was killed November 5, 2002 after he received one-punch in an altercation that he had walked away from. Ms. Venables honestly and courageously described how this senseless crime affected her and her family and how it continues to affect them every day. Ms. Venables has since created the DEVIN Foundation (an acronym for Diligently Ending Violence In Neighbourhoods) to create awareness amongst youth that one act of violence can take lives, changes lives forever, and challenge the future of communities at large. Through the DEVIN Foundation, Ms. Venables speaks to junior high and high school students about the night her son died, her family's grief and how she was able to turn a tragic and terrible event into a lesson all youth can learn from. For more information about the DEVIN Foundation you may visit: http://www.devinfoundation.com/.

Homefront Presentation

Following the Crime Reduction and Safe Communities Presentation was Alicia Van de Sande with a comprehensive review of the Calgary-based Homefront model, a non-profit agency dedicated to helping people through the domestic violence court process. Homefront represents a collective of agencies and services that are actively working to reduce domestic violence in Calgary and includes court caseworkers, Crown prosecutors, police agencies, community corrections, family services and treatment agencies. These important partnerships under the Homefront model have already had a tremendous amount of success addressing domestic violence the Calgary community.

The Homefront model was originally established as a four-year national demonstration project designed to enhance the justice system response to domestic violence in Calgary. Based on the success of this model, Homefront became an independent agency in March 2004. Homefront currently boasts an impressive roster of services that work within the complex dynamics of abusive relationships. Innovative programming such as the Homefront Court Program provides comfort, support and assistance to victims of domestic violence at the specialized (first appearance) docket court and trial court. The Partner Support Program provides regular contact with the partners of people currently on probation for domestic violence offences. Homefront's Early Intervention and Outreach Program provide in-home support to families who have been identified at the early stages of the cycle of domestic violence.

Homefront's commitment to victim safety and offender accountability has resulted in some very impressive statistical results. According to statistics collected by Homefront, recidivism rates among abusers who have been through the court process is approximately 34%. However, recidivism among abusers who have been through the Homefront model is only 9% – a significant decrease in re-offending behaviour. Furthermore, while the average domestic violence case takes 67.5 days to work its way through the courts, cases under the Homefront model on average take 37.2 days. The Homefront model has also shown to significantly improve victim support in the criminal justice system as well as increase the percentage of offenders seeking and completing treatment.

In conclusion, the Homefront model has shown to be a valuable method of addressing domestic violence in communities – surpassing similar models in effectiveness. Homefront attributes this success to their enhanced communication and information sharing networks, ensuring faster response times and using peace bonds to ensure offenders receive appropriate treatment. Homefront's follow-up up services which monitor the offenders in probation and treatment have also proven effective in assessing victim safety and predicting future violence.

If you would like to learn more about Homefront and its services you may visit http://www.homefrontcalgary.com/index.html for more information.

Zebra Child Protection Centre Presentation

Following a hearty lunch, workshop attendees were treated to a presentation from Barb Spencer, Shelley Bykewich (Crown Prosecutor), Rob Paton (Detective) and Menasha Nikhanj (Specialized Investigator) of Edmonton's Zebra Child Protection Centre. Just as Zebras circle their young to protect them, their stripes blending together to ward off potential predators, the Zebra Centre works in a similar

fashion, fostering multidisciplinary teams to respond to the needs of victims of child abuse in the justice system.

Before the Zebra Centre opened in Edmonton 5 years ago, children who reported physical or sexual abuse were required to navigate an 'adult world' associated with the investigation of the allegations. Children were required to tell and re-tell their stories of abuse, which simply furthered their experiences of victimization. The Edmonton Police Service, in conjunction with a variety of other agencies, concerned citizens and professionals began working for a more child-centred approach to support child abuse victims and investigate child abuse in the Edmonton community. The Zebra Centre is now the first of its kind in Canada, combining police services, children's services, Child at Risk Response teams, Crown prosecutors, medical and trauma screening professionals and volunteer advocates in a child focused environment. This community model ensures the child victim is supported and cared for, while simultaneously facilitating streamlined investigations, interventions and prosecutions.

The Zebra Centre, the individuals who work there and the decisions that are made there are guided by one, simple philosophy: Is this in the best interests of this child? From there, the Centre has focused it energies on the refinement of 10 "leading practices":

Practice 1 is a child appropriate/child friendly facility. The Zebra Centre recognizes that the subtleties of what a child may perceive at the centre are incredibly important. The Centre works to make the environment as safe and welcoming as possible.

Practice 2 is organizational capacity through a governance structure that focuses on the child, engages the community and has a strong, multidisciplinary board.

Practice 3 is cultural competency and diversity. Zebra Centre staff strive to be sensitive to cultural difference and meet the needs of diverse populations. The Zebra Centre works to address cultural or language barriers through community partnerships.

Practice 4 is the use of Multidisciplinary Teams (MDT) of diverse backgrounds to work on each child's case. Each team member has a different role in the child's case and ensures the child's needs are met.

Practice 5 is the use of non-leading, fact-finding forensic interviews. These interviews are uniquely coordinated to reduce the number of times a child must tell and retell his story. Interviewers are specially trained to remain child sensitive at all times.

Practice 6 is ensuring abused children are examined by specially trained medical personnel. These personnel remain must sensitive to the child's needs and to the integrity of the investigation.

Practice 7 is the use of specialized mental health services. The Zebra Centre facilitates and coordinates access to appropriate mental health services for the child. It is the Zebra Centre's goal to offer these services on-site in the future.

Practice 8 is victim support and advocacy. Each child has a volunteer advocate assigned to them whose only role is to be the guardian of the child's needs. The program provides 24/7crisis response and intervention and provides ongoing support to the child and his/her non-offending caregiver.

Practice 9 is case review. Regular team meetings are held to discuss each individual case and evaluate direction. Different children have different needs and finding individuals solutions requires sharing case details.

Practice 10 is case tracking. The Zebra Centre has a database for case management to ensure no child falls through the cracks. The case tracking system also allows the Zebra Centre to identify emerging trends and gaps that need to be addressed.

While the presentation from the Zebra Centre demonstrated the importance of putting a child's needs first in child abuse investigations, interventions and prosecutions, it also illustrated the power of community and government collaboration and the success such initiatives may achieve. Without a doubt, the fiercely protective zebra would be proud to know she inspired such a compassionate and necessary facility.

You may visit zebracentre.ca for more information about the centre.

Red Deer Safer City Initiative

The workshop concluded with a forward thinking presentation from Dean Scott, Crime Prevention Coordinator for the Red Deer Safer City Initiative. While the Alberta boom has brought much prosperity to the province, for some Albertans it has been at a terrible cost. As communities struggle with new and increasing pressures placed upon their agencies and services, a myriad of social issues have come to the forefront of public discourse. Crime in particular appears to be an increasing public concern.

In response to these concerns and to develop a concrete agenda for change, Red Deer crime rate data was collected. It was found Red Deer had higher crime rates than cities in other provinces – even when size and a variety of other variables were controlled. The crime rate in Red Deer was also higher than the provincial average, but was consistent with other communities in Alberta that were experiencing similar levels of growth. To examine this issue further, Red Deer residents were randomly surveyed about social issues and their concerns as well as awareness of local crime prevention and crime reduction initiatives. Community consultations were also held to discuss potential solutions to crime in Red Deer. An in-depth implementation plan was developed.

Red Deer began their fight against crime by pursuing some Crime Prevention Through Environmental Design (CPTED) solutions such as cleaning up graffiti and other signs of social disorder. Special furniture that is inviting and attractive but discourages extensive loitering and is vandalism proof is currently being set up throughout the city. To further the CPTED agenda, Red Deer developed a series of informative brochures about crime prevention through environmental design and how to report a crime. These brochures have been made widely available to individuals and businesses in Red Deer. Furthermore, a "sidewalk café" project was implemented, encouraging downtown restaurants to create patios for their patrons. This project has already proven to be a success, bringing more people to the downtown area in the summertime to increase natural surveillance and discourage criminal activity.

The RCMP detachment in Red Deer has developed a Community Response Unit which acts as a liaison with the community and identifies patterns and trends in calls the RCMP receives. This Unit also provides an additional presence to Red Deer's downtown through bike and foot patrols. Neighbourhood watch groups are also becoming more active throughout the city to decrease crime and increase neighbourhood involvement and cohesion.

Red Deer has also developed a specialized family violence court and a number of innovative initiatives that focus on at-risk youth. The "Art in the Park" initiative in particular works to help youth to realize their potential and steers them away from negative peer groups. Red Deer has also been active in the fight against bullying, promoting an "anti-bullying" week to discourage bullying in schools. To combat bullying all year round, Red Deer has developed an "anti-bully" bylaw to ensure bullies are held accountable for their behaviour by getting treatment and will not be eligible to get their driver's license until they receive such treatment.

Although this is just a brief overview of some of the many crime prevention initiatives Red Deer has implemented, it is evident this city has taken some enormous strides to tackle crime in the community. From cleaning up the city to opening a domestic violence court, Red Deer is addressing crime from a variety of different angles. We look forward to the many successes this proactive approach will bring to Red Deer and its residents.

Conclusion

At the end of the day, each workshop attendee left the conference more knowledgeable about crime prevention initiatives throughout the province and perhaps more inspired. While every presentation highlighted a separate and distinct crime fighting initiative, every speaker demonstrated how concerned citizens can join together to create something that can touch hundreds of lives. It is evident there is power in the communities. Should this power be harnessed, the future of crime fighting in Alberta is very bright indeed.

British Columbia Criminal Justice Association

Reaching Out

(Speech by Mr. Bob Gillen, Assistant Deputy Attorney General, to a strategic group of criminal justice practioners and advocates at the University of Victoria, organized by Jeff Christian, President of BCCJA)

"Awareness and Accountability"

By Bob Gillen
Deputy Attorney General, Criminal Justice Branch
Ministry of the Attorney General of British Columbia

Our Justice System relies on the checks and balances of three independent groups who traditionally operated in silos independent of each other in theory to protect the public from potential systemic abuses.

1) The police cannot be compelled to conduct an investigation where they deem it not in the public interest to do so;

2) If they do conduct an investigation, they cannot compel prosecutors to prosecute or prevent prosecutors from prosecuting;

3) And of course, our independent Judiciary.

The independence referred to is not an independence for the benefit of the police or prosecutors. It is for the public good.

In the past, our traditional justice system became aloof from the public, taking on a professional "know it all" tone.

Victims are largely relegated to mere witnesses without voices and the public become outside observers whose information about the system comes primarily from the media whose commercial interests are enriched by controversy.

No one can argue that the independent role of the prosecution is unimportant. We are not lawyers for the victim seeking revenge against the offender. We are not lawyers doing the bidding of the police; we represent the public as a whole.

But that independence need not create unnecessary barriers with our justice partners so that we cannot work together to serve the public interest.

In today's complex, Charter-driven world, it is unrealistic to expect police to engage in investigating sophisticated criminal misconduct without being provided legal advice from the prosecution service. In other areas of co-operation, such as the High Risk Recognizance Advisory Committee, Corrections, Crown and police work closely in partnership to ensure warrant expiry date offenders do not get released into the community without court orders being imposed upon them, where appropriate, which will control their activities in a way that best protects the public.

But in many areas, the justice system is simply ill-suited to address criminal behaviour effectively; particularly where the underlying causes for repeat offenders rests on complex social issues.

Without creating a broad partnership well beyond the traditional justice participants, lawyers and police officers are forced to play the role of social workers and mental health professionals, for which they are not trained, and their lack of expertise in venturing into these areas may create risk for themselves, the community, or the offender.

So it is not enough for justice partners to work collaboratively, although that is essential in itself.

The tools and resources needed to provide long-term solutions are not found within the justice sector when it comes to addressing the root causes of criminality.

Many of the issues related to crime are social issues that have their genesis in social challenges such as a lack of affordable housing, mental health, and addiction issues. To successfully confront these challenges, we need a much larger and holistic response than our reactive justice system can provide. Developing these relationships with the applicable government or community organizations need not compromise the independence of the prosecution service, but actually can enhance it.

We all know that public confidence in our current system is largely quite low.

It is my belief that the challenge we face in this regard is one largely of our own making. We have pushed the public away from a system which should be their "system" – for them, about them – and made it a system of professionals. We have distanced the public from ourselves and that ruptured relationship

creates a disconnection of the public from the system. The public does not understand the system or how it works, and so, when they read an article in a newspaper that suggests the system is broken, that confirms their predisposed belief.

We need to re-engage the community in our work. That process will take time, but bringing the public back to be active players and contributors to provide solutions for problems the system is ill-equipped to address is crucial.

Beginning that dialogue or conversation, to permit the public to play an active role within the system, will serve to educate and provide an opportunity for them to take ownership of a system which in the past has been somewhat alien to them.

Institutions such as business communities, school boards, chambers of commerce, social agencies, neighbourhood associations, and justice system participants need to align their resources to address the underlying root causes of criminality which will provide the long term solution, if there is to be one. The piloting of a community court model in Vancouver will test this concept in British Columbia.

In a time of limited resources, taking an integrated approach to address these issues not only makes sense, it is essential.

I believe that public education is the key to building confidence in the system. Our Branch has commenced an outreach programme where prosecutors engage in their communities – at public meetings, or partnering with restorative Justice Programs, or domestic violence programmes and the like – to open a conversation which allows information to be given and received.

Increasing public awareness will increase the public willingness to participate.

Accountability flows from an open and transparent system; such a system is one in which the public can have confidence. That confidence and willingness to participate in the system will also create an environment where offenders are more likely to be held accountable for their actions.

It is essential that the public understand the true and limited nature of the scope of the Criminal law. The public need to know that the justice system, while suitable for dealing with some misconducts, requires their assistance for others. A justice system cannot replace or displace community if it is to be successful. It needs to engage them.

In a 1990 Ontario Court of Appeal Case, R v. McDougall, that court spoke of the limitations of our criminal laws in dealing with disputes generally:

The contemporary view favours restraint generally in the exercise of the criminal law power. The Law Reform Commission of Canada in its report Our Criminal Law (Ottawa: 1977) puts the case for restraint eloquently at p. 27:

> Criminal law operates at three different stages. At the law- making stage it denounces and prohibits certain actions. At the trial stage it condemns in solemn ritual those who commit them. And at the punishment stage it penalizes the offenders. This, not mere deterrence and rehabilitation, is what we get from the criminal law – an indirect protection through bolstering our basic values.
>
> But criminal law is not the only means of bolstering values. Nor is it necessarily always the best means. The fact is, criminal law is a blunt and costly instrument – blunt because it cannot have the human sensitivity of institutions like the family, the school, the church or the community, and costly since it imposes suffering, loss of liberty and great expense.
>
> So criminal law must be an instrument of last resort. It must be used as little as possible. The message must not be diluted by overkill – too many laws and offences and charges and trials and prison sentences. Society's ultimate weapon must stay sheathed as long as possible. The watchword is restraint – restraint applying to the scope of criminal law, to the meaning of criminal guilt, to the use of the criminal trial and to the criminal sentence.

As the system is ill-equipped to deal with some of these other disputes, the sensitive institutions of family, school, church and community need to be involved.

Engaging the community requires that they be made aware of this need, and be prepared to have a voice in shaping options for managing conflict and redressing harm caused by criminal behaviour. It is their justice system, and they have and need to play an active part in making offenders accountable to the community.

Thus, public awareness will lead to systemic accountability.

2008 EDITION / ÉDITION 2008

DIRECTORY OF JUSTICE SERVICES
RÉPERTOIRE DES SERVICES DE JUSTICE

(ISSN: 0225-4115)

The Canadian Criminal Justice Association publishes the Directory of Justice Services on an annual basis. There is no other book like it in Canada. It provides complete addresses, telephone and fax numbers, e-mail and web page addresses, and names of persons responsible for most justice services in Canada: police commissions, RCMP divisions, legal aid services, crime compensation boards, ombudsmen, courts, parole boards, correctional services for juveniles and adults, prisoner aid agencies, court workers, voluntary organizations, etc.

Ce livre est publié annuellement par l'Association canadienne de justice pénale et contient les adresses, les numéros de téléphone et de télécopieur, les adresses de courriels et de page web, ainsi que les noms des personnes responsables de la majorité des services de justice au Canada : divisions de la GRC, commissions des droits de la personne, services d'aide juridique, académies de police, protecteurs du citoyen, tribunaux, commission des libérations conditionnelles, services correctionnels (jeunes/adultes), aide aux prisonniers, auxiliaires de justice, organismes bénévoles, etc.

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2007 - 2008 EDITION / ÉDITION 2007-2008

DIRECTORY OF SERVICES FOR VICTIMS OF CRIME
RÉPERTOIRE DES SERVICES AUX VICTIMES D'ACTES CRIMINELS

(ISSN: 0847-3668)

Provides a brief description of the services and assistance available from the vast majority of agencies/organizations concerned about victims in Canada. It also includes addresses, telephone and fax numbers, as well as e-mail and web site addresses for approximately 1,000 listings. A useful tool for victims of crime and criminal justice practitioners.

On y retrouve une brève description des services et de l'aide offerts par la très grande majorité des organismes canadiens que le sort des victimes préoccupe. Il inclut également l'adresse, les numéros de téléphone et de télécopieur, ainsi que les adresses de courriel et de site web pour quelque 1 000 organismes. Un outil utile pour les victimes d'actes criminels et les praticiens du domaine de la justice pénale.

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VOLUME 50 (2008)

Edited by Professor Peter J. Carrington, University of Waterloo, the **Journal** is the only Canadian quarterly in the field of criminology and criminal justice that has been published regularly since 1958. Almost 50 years of facts and views on Canada's criminal justice system have now been collected. The **Journal** is the technical publication of the Canadian Criminal Justice Association.

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May 4 – 6 / du 4 au 6 mai

The 7th Annual Psychiatrists In Blue Conference

Theme/thème: *Psychiatrists in Blue... Around the World*
Sponsored by/parrainé par: Canadian National Committee for Police/Mental Health Liaison
Place/endroit: University of Regina, Regina, Saskatchewan, Canada
Information/renseignements: E-mail/courriel: pmhl2008@nintu.net – Internet: www.pmhl.ca

June 16 – 18 / du 16 au 18 juin

The Sockholm Criminology Symposium 2008

Theme/thème: Experiments in Crime Prevention, Reforming the prison system and Innovative policing
Place/endroit: Stockholm, Sweden
Information/renseignements: The Stockholm Criminology Symposium, Brottsförebyggande radet, Box 1386, 11193, Stockholm, Sweden. Tel/tél.: +46 (0) 8 401 87 82. Fax/téléc.: +46 (0) 8 411 90 75. E-mail/courriel: symposium@bra.se - Internet: www.criminologysymposium.com

July 11 – 15 / du 11 au 15 juillet

The International Society For The Reform Of Criminal Law 22nd International Conference

Theme/theme: Codifying The Criminal Law: Modern Initiatives
Place/endroit: Dublin Castle, Dublin, Ireland
Information/renseignements: Secretariat, International Society for the Reform of Criminal Law, Suite 1000, 840 Howe Street, Vancouver, BC V6Z 2M1, Canada. Tel/tél: (604) 643-1142. Fax/téléc.: (613) 643-1200. E-mail/courriel: secretariat@isrcl.org – Web: http://www.isrcl.org

July 20 – 25 / du 20 au 25 juillet

XVth World Congress of The International Society for Criminology / 15e Congrès mondial de la Société internationale de criminologie

Theme/thème: Crime et criminologie: recherche et action
Place/endroit: Université de Barcelone et Université Ramon Llull, Barcelone, Espagne
Information/renseignements: Société Internationale de Criminologie, Ministère de la Justice, 12, rue Charles Fourier, Paris, France 75013. Tel/tél: 33.(0)1.45.88.00.23. Fax/téléc: 33.(0)1.45.88.96.40 E-mail/courriel: congres-sic-barcelone-2008@orange.fr Internet: http://perso.wanadoo.fr/societe.internationale.de.criminologie/

August 9 – 14 / du 9 au 14 août

138th Congress of Correction

Host/hôte: American Correctional Association
Place/endroit: New Orleans, Louisiana, U.S.A.
Information/renseignements: American Correctional Association, Convention Department, 206 North Washington Street, Suite 200, Alexandria, VA 22314-2528 U.S.A. Tel/tél.: (800) 222-5646 ext. 1922. Fax/téléc.: (301) 918-8198. Web: www.aca.org

September 11 – 12 / les 11 et 12 septembre

2e Congrès international francophone "Psychiatrie et violence"

Host/hôte: Institut Philippe-Pinel de Montréal et Département de psychiatrie du CHUV de Lausanne
Theme/thème: « Psychiatrie et violence: Quel est le risque acceptable ? »
Place/endroit: Lausanne, Suisse
Information/renseignements: Jean-Luc Dubreucq, M.D., Directeur de l'enseignement, Institut Philippe-Pinel de Montréal, 10905 , boul. Henri-Bourassa Est, Montréal, QC H1C 1H1. Tel/tél: 514-648-8461 poste 558. Fax/téléc.: 514-881-3706. E-mail/courriel: marois_danielle@ssss.gouv.qc.ca Web: www.pinel.qc.ca

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